

**To:** Prabhu, Aditi[Prabhu.Aditi@epa.gov]  
**Cc:** Odendahl, Steve[Odendahl.Steve@epa.gov]; Logan, Paul[Logan.Paul@epa.gov]; Marks, Matthew[Marks.Matthew@epa.gov]  
**From:** Laumann, Sara  
**Sent:** Fri 1/3/2014 11:34:02 PM  
**Subject:** FW: WY RH Tom Powers comments, EO RTC  
WY RH comments jan 2 tom powers.pdf

Hi Aditi

We received a couple comments from Tom Powers on the EO RTC sections of the notice you've been helping us with. See his comments on pages 217 and 218 in the attached document.

In his first comment (page 217) he asks if there is case law that EOs can't be enforced by private companies or citizens, and if so, then he recommends discussing in more than the phrase we have in the notice now.

His second comment (page 218) asks if there's case law or precedent on small entities that are affected economically but not required to take an action themselves. He also asks whether the 12% rise in electric rates (alleged in comment) is "significant economic impact"?

We know similar issues are being litigated in another RH action, what I don't know is whether there is case law, and checking with you to see how you recommend responding to his comments.

As you know, the Administrator needs to sign this on 1/10/14, so appreciate your thoughts asap. If you think additions/changes to the FR notice are needed, would appreciate the edits in max.gov as you have been doing so far.

Feel free to give me a call if you want to discuss this.

Thanks!

Sara L. Laumann

Associate Regional Counsel

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**From:** Daly, Carl

**Sent:** Thursday, January 02, 2014 2:39 PM

**To:** Dygowski, Laurel; Odendahl, Steve; Laumann, Sara; Morales, Monica

**Subject:** Fw: WY RH Tom Powers comments

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Carl Daly 303-312-6416

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**From:** Knapp, Kristien

**Sent:** Thursday, January 02, 2014 2:22:55 PM

**To:** Daly, Carl; Videtich, Callie; Lorang, Phil; Marks, Matthew; Schneeberg, Sara

**Cc:** Stewart, Lori; Powers, Tom

**Subject:** RE: WY RH Tom Powers comments

For the same group, attached are comments from Tom through page 288. To keep the file size down, I've only scanned pages where Tom made a mark.

**From:** Powers, Tom

**Sent:** Thursday, January 02, 2014 2:58 PM

**To:** Powers, Tom; Knapp, Kristien; Daly, Carl; Videtich, Callie; Lorang, Phil; Marks, Matthew; Schneeberg, Sara

**Cc:** Stewart, Lori

**Subject:** RE: WY RH JMcC part 3

Never mind; they just came through – looks like they were so big they took their time getting through cyberspace.

**From:** Powers, Tom

**Sent:** Thursday, January 02, 2014 2:56 PM

**To:** Knapp, Kristien; Daly, Carl; Videtich, Callie; Lorang, Phil; Marks, Matthew; Schneeberg, Sara

**Cc:** Stewart, Lori

**Subject:** RE: WY RH JMcC part 3

Kristien –

I did not get parts 1 and 2; you might want to confirm that others did.

Tom

**From:** Knapp, Kristien

**Sent:** Thursday, January 02, 2014 1:46 PM

**To:** Daly, Carl; Videtich, Callie; Lorang, Phil; Marks, Matthew; Schneeberg, Sara; Powers, Tom

**Cc:** Stewart, Lori

**Subject:** WY RH JMcC part 3

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Kristien Knapp

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